



- A1
- f) a method for the rational use of an immediate said treatment by means of an early said diagnosis that is definitive for the outcome of said acute myocardial infarction through said thrombolysis or any other currently available said treatment.

### REMARKS General

Applicants have rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentability over the prior art.

#### **The Objection To The Specification And The Claims Rejection Under & 112**

The specification was objected to under & 112 since it was said to fail to teach the actual method steps utilized in the invention the CARDIOST and there was no description as to how the patient and/or device undertake clear steps to produce the desired results.

The applicant request reconsideration of this objection since it has been rewritten and now fully describes how the patient and/or device undertake clear steps to produce the desired results.

Thus the present specification clearly and completely teaches how to make and use the invention in general.

Accordingly applicants submit that the specification does comply with & 112 and therefore request withdrawal of this objection.

#### **The Rejection Of Claim 2 on Dingwall et al Under & 103**

The last O.A. rejected claim 2 on Dingwall et al has been rewritten as new claim to define patentably over this reference and any combination thereof. Applicants request reconsideration of this rejection for the following reasons

- (1) The j point is obtained and the baseline is compared starting in this j point with the st segment either positive or negative taking in account that the baseline can shift independently from the j point at any given moment
- (2) There is no need to conditioning the EKG waveform by inverting all negative portions of said waveform to positive values as the measurement is in real time and instantaneous

- (3) The signal is not intended to be stored to be analyzed but operated in real time for diagnosis in the clinical setting of Acute Myocardial Infarction for immediate treatment
- (4) Even if "portability" is defined by a device capable of being moved by the patient at all included being worn the applicants device is intended to be used for self diagnosis of Acute Myocardial Infarction in the settings of acute chest pain in any given condition and we don't intend to limit the claims to "portability" as any device capable of being moved by the patient is considered to be portable

**The novel Physical Features of Claim 2 Produce New And Unexpected Results And Hence Are Unobvious and Patentable Over These References Under &103**

These new and unexpected results are the ability of applicants' system to produce reliable and accurate diagnosis of Acute Myocardial Infarction taking in account the j point in the EKG as part of the baseline independently if it is either positive or negative and made by the patient himself in the setting of chest pain and do not need the presence of Medical or Paramedical personal for diagnosis. Applicants' system therefore is vastly superior to that of Dingwall et al or any possible combination thereof. The novel features of applicants' system which effect these differences are, as stated, clearly recited in claim 2, and hence patentable under & 103 since they produce new and unexpected results.

**Conclusion**

For all the above reasons, applicants submit that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore they submit that this application is now in condition for allowance, which action they respectfully solicit.

**Conditional Request For Constructive Assistance**

Applicants have amended the specification and claims of this application so that they are proper, definite, and define novel structure, which is also unobvious. If, for any reason this application are not believed to be in full condition for allowance, applicants respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P 706.03 (d) and 707.07 (j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.



Appn Number 09/399,320 (Anzellini et al.) GAU 3762 Amnt. A contd. 7

Very respectfully

Fernando Anzellini

Arturo Sesana

Mario Gongora

Applicants Pro Se

Address:

Calle 83 No 19-36 Office 704  
Bogota, Colombia, SouthAmerica  
Tel: (57-1-)6160959/74 Fax: (57-1)6109091

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Fernando Anzellini, Applicant